



NEWS RELEASE

JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 16, 1999

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-126 Roberts on Habeas Corpus, S071835. Original proceeding. In this case, which is related to the automatic appeal in People v. Roberts, 2 Cal.4th 271, the court issued an order to show cause limited to whether (1) the prosecution knowingly offered perjured testimony by other inmates against petitioner; or (2) petitioner was denied the effective assistance of counsel when counsel failed to impeach prosecution witnesses with evidence that the east grille gate to the third floor at the California Medical Facility, Vacaville, was kept locked at all times.

#99-127 People v. Acosta, S079731. (H017642; 71 Cal.App.4th 1206.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents an issue, concerning whether the admission of evidence of prior acts of domestic violence to show propensity to commit such an offense violates due process, which is related to an issue before the court in People v. Falsetta, S071521 (#98-107), and People v. Ritson, S071200 (#98-108).

#99-128 People v. Cuccaro, S079786. (C029515.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents an issue, concerning whether the 1996 revision of CALJIC 9.00 correctly defines the mens rea of assault, which is related to an issue before the court in People v. Williams, S076262. (See #99-53.)

#99-129 People v. Fairwell, S079764. (B116777.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. This case presents an issue, concerning whether a defendant's stipulation to the fact of a prior conviction that is an element of a crime may only be made personally and after Boykin/Tahl advice and waivers, which is related to an issue before the court in People v. Thomas, S070580 (#98-93), and People v. Newman, S072560 (#98-142).

#99-130 William M. on Habeas Corpus S079574. (E022505; 71 Cal.App.4th 1320.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents an issue, concerning whether a requirement of registration as a sex offender is punishment for purposes of ex post facto analysis, which is related to an issue before the court in People v. Castellanos, S064388 (#97-181.)

DISPOSITION

#99-26 Gossai v. Governing Bd. of the Victoria Valley Community College Dist., S075992, was transferred to the Court of Appeal for reconsideration in light of Fukuda v. City of Angels Camp 20 Cal.4th 805.